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Co-Counsel to the Reorganized Debtors

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FRONTIER COMMUNICATIONS
CORPORATION, *et al.*,¹

Reorganized Debtors.

)
) Chapter 11
)
) Case No. 20-22476 (RDD)
)
)
) (Jointly Administered)
)

SECOND NOTICE REGARDING DISPUTED COPYRIGHT CLAIMS

The purpose of this notice is to update the Bankruptcy Court and parties in interest regarding the procedural posture of certain disputed claims asserted against the above-captioned

¹ Due to the large number of debtor entities in these chapter 11 cases, for which the Court has ordered joint administration, a complete list of the debtor entities and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Reorganized Debtors' claims and noticing agent at <https://cases.primeclerk.com/ftt>. The location of the Reorganized Debtors' service address for purposes of these chapter 11 cases is: 50 Main Street, Suite 1000, White Plains, New York 10606.

reorganized debtors (the “Reorganized Debtors”) based on theories of vicarious and contributory copyright liability.² Additional information regarding such claims is set forth in the *Notice Regarding Disputed Copyright Claims*, dated June 14, 2021 [Docket No. 1912].

On June 8, 2021, certain claimants represented by Oppenheim + Zembrak, LLP (the “Record Companies”) filed a lawsuit captioned *UMG Recordings, Inc. et al. v. Frontier Communications Corp.*, 1:21-05050-AT (the “District Court Action”). On June 9, 2021, the Record Companies filed a *Notice of Copyright Claimants’ Motion to Withdraw Reference* [Bankr. Docket No. 1898] and accompanying memorandum of law [Bankr. Docket No. 1900] (the “Record Companies Motion to Withdraw”), which requested that the District Court withdraw the reference with respect to the Record Companies’ prepetition and postpetition claims filed in these chapter 11 cases.

On June 14, 2021, the Reorganized Debtors filed the *Notice Regarding Disputed Copyright Claims* [Docket No. 1912], which apprised the Bankruptcy Court and parties in interest of efforts to reconcile the claims filed by the Record Companies and certain claimants represented by Culpepper IP, LLC (the “Movie Companies” and, together with the Record Companies, the “Disputed Copyright Claimants”).

On June 15, 2021, at the request of the parties, the Bankruptcy Court held a status conference (the “June Status Conference”), at which the Bankruptcy Court suggested that the parties schedule a pretrial conference before the Bankruptcy Court to occur in late July or early August 2021.

² Capitalized terms used but not defined herein shall have the meanings set forth in the *Second Revised Order Granting Reorganized Debtors’ Omnibus Objection to Certain Disputed Copyright Claims* [Bankr. Docket No. 1951] (the “Second Proposed Order”) or the *Reorganized Debtors’ Omnibus Objection to Certain Disputed Copyright Claims* [Bankr. Docket No. 1818] (the “Objection”), as applicable.

Docket entries denoted as “Bankr. Docket” refer to the docket in these chapter 11 cases while Docket entries denoted as “Dist. Court Docket” refer to the docket of the applicable action in United States District Court for the Southern District of New York (the “District Court”).

On June 28, 2021, the Movie Companies filed the *Movie Claimants' Motion to Withdraw Reference* [Bankr. Docket No. 1927] (the “Movie Companies Motion to Withdraw” and, together with the Record Companies Motion to Withdraw, the “Motions to Withdraw”), which requested that the District Court withdraw the reference with respect to the Movie Companies prepetition and postpetition claims filed in these chapter 11 cases.³

On June 24, 2021, the Reorganized Debtors filed *Frontier Communications Parent, Inc.'s Opposition to Motion to Withdraw Reference of a Proceeding to the District Court Under 28 U.S.C. §157(d)* [Dist. Court Docket No. 8 of Case No. 1:21-cv-05253-AT], which opposed the Record Companies Motion to Withdraw.

On July 1, 2021, the Record Companies filed their *Reply Memorandum of Law in Further Support of the Copyright Claimants' Motion to Withdraw the Reference* [Dist. Court Docket No. 11 of Case No. 1:21-cv-05253-AT] in further support of the Record Companies Motion to Withdraw.

On July 12, 2021, the Reorganized Debtors filed *Frontier Communications Parent, Inc.'s Opposition to Motion to Withdraw Reference of a Proceeding to the District Court under 28 U.S.C. §157(d)* [Dist. Court Docket No. 11 of Case No. 1:21-cv-05708-AT], which opposed the Movie Companies Motion to Withdraw.

On July 18, 2021 the Movie Companies filed their *Reply Memorandum of Law in Further Support of Movie Claimant's Motion to Withdraw Reference* [Dist. Court Docket No. 13 of Case No. 1:21-cv-05708-AT] in further support of the Movie Companies Motion to Withdraw.

³ On July 1, 2021, the Movie Companies amended their motion to withdraw the reference to include additional claimants [Bankr. Docket No. 1927, as modified].

The Motions to Withdraw are now fully briefed, but no hearing has been scheduled in the District Court.

On July 22, 2021, the Reorganized Debtors filed a pre-motion letter in the District Court, [Dist. Court Docket No. 26 of Case No. 1:21-cv-05050-AT], requesting to file a motion to stay the District Court Action until the District Court renders a decision on the Motions to Withdraw (the “Motion to Stay”). On July 29, 2021, the Record Companies filed a letter [Dist. Court Docket No. 27 of Case No. 1:21-cv-05050-AT] in opposition to the Reorganized Debtors’ letter.

On July 30, 2021, the Reorganized Debtors filed the Second Revised Order in the Bankruptcy Court, which disputes the underlying merits of the administrative claims filed by the Disputed Copyright Claimants on the grounds set forth in the Objection and asserts that such claims are not entitled to administrative expense status as they do not constitute “actual, necessary costs and expenses of preserving the estate.”

On August 2, 2021, the District Court entered an order: (i) granting the Reorganized Debtors’ request to file the Motion to Stay; (ii) setting a deadline of August 12, 2021, for the Reorganized Debtors to file the Motion to Stay; (iii) setting a deadline of August 26, 2021, for the Record Companies to file their opposition papers; (iv) setting a deadline of September 2, 2021, for the Reorganized Debtors’ to file a reply, if any; and (v) adjourning the Reorganized Debtors’ deadline to answer or otherwise respond to the District Court litigation until seven days after the District Court’s ruling on the Motion to Stay [Dist. Court Docket No. 28 of Case No. 1:21-cv-05050-AT].

On August 12, 2021, the Reorganized Debtors filed the Motion to Stay [Dist. Court Docket No. 33 of Case No. 1:21-cv-05050-AT].

Given the procedural posture of the District Court Action, including but not limited to the pending rulings on Motions to Withdraw and Motion to Stay, the Reorganized Debtors believe it would be most efficient, and in the best interest of the Bankruptcy Court and parties' resources, to hold any further pretrial conferences before the Bankruptcy Court on the Disputed Copyright Claims after the District Court has ruled on the Motions to Withdraw and the Motion to Stay. The Reorganized Debtors will update the Bankruptcy Court and parties in interest once the District Court has rendered a decision on the Motions to Withdraw and Motion to Stay.

Nothing in this notice should be construed as a waiver of any of the Reorganized Debtors' or parties' substantive or procedural rights, and all such rights are expressly reserved.

A copy of the Objection, this notice, and other pleadings filed in these chapter 11 cases may be obtained free of charge by visiting the website of Prime Clerk LLC at <https://cases.primeclerk.com/ftt>. You may also obtain copies of the Objection this notice and other pleadings filed in these chapter 11 cases by visiting the Bankruptcy Court's website at <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein.

[Remainder of page intentionally left blank]

Dated: August 12, 2021
New York, New York

/s/ Stephen E. Hessler

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